

**REMARKS/ARGUMENTS**

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1 - 17 are now in the application. Claim 16 has been amended to correct a minor grammatical typographical error.

The Examiner has rejected Claims 1 - 17 under 35 U.S.C. §103 as being unpatentable over Milton et al.

The Applicant's Claim 1 calls for (underlining added for emphasis) ... the source proxy being arranged in a manner such that, in use, it sends duplicate IP datagrams along two different optical paths to the destination network element, and ... wherein the destination network element comprises a destination proxy arranged to pass one of the duplicate IP datagrams into the destination network element and to filter out for disposal the other one.

The Applicant's Claim 11 calls for (underlining added for emphasis) ... sending duplicate OSC signals in the form of IP datagrams along two different optical paths to a destination network element, and ... at the destination network element, passing one of the duplicate IP datagrams into the destination network element for processing and filtering out for disposal the other one.

The Applicant's Claim 12 calls for (underlining added for emphasis) ... the source proxy being arranged in a manner such that, in use, it sends duplicate IP datagrams along two different optical paths to the destination network element.

The Applicant's Claim 16 calls for (underlining added for emphasis) ... a destination proxy arranged to receive duplicate OSC signals in the form of IP datagrams, the destination proxy further being arranged to pass one of the duplicate IP datagrams

into the network element for processing and to filter out for disposal the other one.

The Applicant submits that the invention as claimed in independent Claims 1, 11, 12 and 16 are neither taught, described or suggested in Milton et al.

Given that Milton et al. provides for a communications network having a plurality of nodes interconnected by an optical transmission medium, the Applicant submits that there is no suggestion as to whether or not duplicate IP datagrams are sent along two different optical paths to the destination network element. Most apparently, the pilot signal referenced by the Examiner is sent to two different nodes. Furthermore, Milton is silent as to whether or not the two pilot signals are duplicates of each other, or, perhaps more likely, would contain different information relevant to the respective node-to-node links. Nowhere in Milton has there been any disclosure of providing duplicate signals, be it data signals or maintenance signals, to be sent to a destination node via two different optical passes. In that regard, we refer the examiner for example to the description in column 6, lines 39 to 48, in conjunction with figure 6 of Milton. There, it is disclosed that data transmission and, perhaps, maintenance transmissions are switched to another optical path only after a fault occurs on the initial path. While it is disclosed that the maintenance data may be used to notify one of the nodes involved in the link to switch to a different path, clearly any such maintenance transmission is transmitted over only one optical path, that is the alternative, or protection path. Further, while the Examiner acknowledges that a difference between the disclosure in Milton and the invention now claimed is that there is no

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disclosure in Milton on how to process the duplicate maintenance transmissions at the network node. With reference to our above submissions, the Applicant emphasizes that not only is there no such disclosure in Milton, but importantly there are no duplicate maintenance transmissions received at the network node.

Accordingly, the Applicant submits that there is no suggestion to combine the references as indicated by the Examiner and, therefore, Claims 1, 11, 12 and 16 are not unpatentable over Milton et al.

Claims 2 - 10 are dependent on Claim 1. Claims 13 and 14 are dependent on Claim 12. Claim 17 is dependent on Claim 16. As such, these claims are believed allowable based upon Claims 1, 12 and 16 respectively.

Therefore, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,

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